USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: ________
DATE FILED: 6/19/09

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JUN 19 2009
CHAMBERS OF
THEODORE H. KATZ
US MAGISTRATE JUDGE

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BY HAND

June 19, 2009

Re: *Anwar et al. v. Fairfield Greenwich Limited, et al.*, Docket No. 09 CV 0118 (VM); *Morning Mist Holdings Limited et al. v. Fairfield Greenwich Group et al.*, Docket No. 09 CV 5012 (VM)

Hon. Theodore H. Katz
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

MEMO ENDORSED

Dear Judge Katz:

We represent Fairfield Greenwich Limited, Fairfield Greenwich (Bermuda) Ltd., Fairfield Greenwich Advisors LLC, and Fairfield Risk Services Ltd. (the "FG Defendants") in *Morning Mist Holdings Limited et al. v. Fairfield Greenwich Group et al.*, Docket No. 09 CV 5012.

On May 28, 2009, defendant Fairfield Greenwich Advisors LLC removed *Morning Mist* to this Court and, on June 8, 2009, plaintiffs moved to remand *Morning Mist* to New York state court. On June 9, 2009, Judge Marrero consolidated *Morning Mist* into *Anwar et al. v. Fairfield Greenwich Limited, et al.*, Docket No. 09 CV 0118.

Morning Mist is a derivative action brought by two shareholders of Fairfield Sentry Limited, an international business company organized under the laws of the British Virgin Islands. Counsel representing the *Morning Mist* plaintiffs also represent three limited partners of two Delaware partnerships, Greenwich Sentry, L.P. and Greenwich Sentry Partners, L.P., in derivative actions captioned *David I. Ferber SEP IRA v. Fairfield Greenwich Group, et al.*, Docket No. 09 CV 2366 and *Pierce et al. v. Fairfield Greenwich Group, et al.*, Docket No. 09 CV 2588. *Ferber* and *Pierce* have been consolidated into *Anwar* and the *Ferber* and *Pierce* plaintiffs have moved for remand.

Ferber, *Pierce* and *Morning Mist* all were removed pursuant to the Class Action Fairness Act of 2005. On May 1, 2009, your Honor issued a Memorandum Opinion and Order consolidating the briefing schedule on the *Ferber* and *Pierce* remand motions noting that all of the asserted grounds for remand in *Ferber* applied equally to *Pierce*. Upon the joint request of counsel for the FG Defendants and counsel for the *Ferber* and *Pierce* plaintiffs, your Honor so ordered on May 13, 2009 that the FG Defendants' opposition to the *Ferber* and *Pierce* remand motions shall be filed by July 24, 2009 and plaintiffs' reply papers shall be filed by August 3, 2009.

Given that all of the asserted grounds for remand in *Morning Mist* apply equally to *Ferber* and *Pierce*, the FG Defendants request that the schedule for the filing of the opposition brief and the reply brief in *Morning Mist* be set for July 24, 2009 and August 3, 2009, respectively. Those are the same due dates set for the filing of the opposition and reply briefs in *Ferber* and *Pierce*. We have consulted with plaintiffs' counsel in *Morning Mist* and they have no objection to this requested schedule.

We appreciate the Court's attention to this matter.

Respectfully yours,

Mark G. Cunha

cc: The Honorable Victor Marrero (by hand)

All Counsel in *Anwar* (by email)

Granted.

SO ORDERED

6/19/09

THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE